IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1255 OF 2007

1.Atmaram Yashwant Gharat,
2.Mangesh Yashwant Gharat,
3.Balkrishna Narayan Gharat, &
4.Sunil Narayan Gharat. ...Applicants.

Versus

The State of Maharashtra ...Respondent.

ALONG WITH

CRIMINAL APPLICATION NO.1256 OF 2007

1.Kamalakar Yashwant Gharat,
2.Kiran Jayaram Gharat,
3.Jeevan Janardhan Patil,
4.Satish Janardhan Patil,
5.Bharat Janardhan Patil,
6.Kishore Kamalakar Patil, &
7.Dayanand Eknath Gharat. ...Applicants.

Versus

The State of Maharashtra ...Respondent.

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Mr.Ganesh Gole, Adv. for the Applicants.
Mr.S.S.Pednekar, APP, for the State.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : 18th April, 2007.

P.C.:

1. Heard the learned Advocate for the Applicants and the learned APP for the State.

2. The applicants are seeking anticipatory bail in C.R.No.15 of 2007 of Nava Sheva Police Station, Navi Mumbai, District - Raigad. The said case is mainly under Section 395 of IPC.

3. The applicants along with other accused belongs to one political party and the complainant belongs to the opposite political party. On the day of the incident, there were elections. Immediately after the elections, the incident took place. There are cross-cases in respect of the complaint filed against the applicant and the complaint filed by applicant No.4 in Cri.Appln.1255 of 2007 i.e. Sunil Narayan Gharat against the complainant and other accused belonging to the party of the complainant. The complaint of the applicant No.4 Sunil Narayan Gharat is first in point of time. Prior to that on account of the same incident, Police have also filed FIR against the complainant in the present case and the other coaccused who belong to the party of the complainant.

4. Mr.Gole, submitted that it is only on account of political enmity and on account of the elections that the applicants have been falsely implicated in the present case.

5. The learned APP on the other hand states that during the incident property worth

Rs.60,000/- came to be robbed and hence the custody of the applicants would be necessary to recover the said property.

6. On perusal of the FIR and other material, it is seen that no specific role has been attributed to any of the applicants in respect of the property being robbed. Mr.Gole, on instructions, states that the applicants are ready to deposit the amount of Rs.60,000/- before the Investigating Officer. If the amount of Rs.60,000/- is deposited before the Investigating Officer, in my view, further custody of the applicants would not be necessary. In this view of the matter, I am inclined to grant anticipatory bail to the applicants.

7. In the event of arrest, the applicants to be released on bail in the sum of Rs.20,000/- each with one or two sureties to make up the said amount. The applicants shall report to Nava Sheva Police Station, Navi Mumbai, District - Raigad on every Saturday between 4:00 p.m. to 5:00 p.m., till conclusion of the trial.

8. It is clarified that the said amount of

Rs.60,000/- is to be deposited by the applicants before the Investigating Officer by 30th April, 2007. If the said amount is not deposited by 30th April, 2007, this order granting anticipatory bail shall stand automatically cancelled and the applicants can be taken into custody.

9. The deposit of amount of Rs.60,000/- by the applicants shall not be construed as an admission of their guilt or their involvement in the said case in any manner. At the end of the trial, the learned Sessions Judge shall pass appropriate orders in respect of the amount of Rs.60,000/- deposited by the applicants.

10. Applications are disposed of accordingly.

(SMT.V.K.TAHILRAMANI,J.)